

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EMMA ALVARADO, on behalf of herself and on  
behalf of all others similarly situated,

Plaintiff,

Case No. C 09-0189 MJP

v.

**[PROPOSED] STIPULATED  
JUDGMENT IN A CIVIL CASE**

MICROSOFT CORPORATION, a Washington  
corporation, and DOES 1 through 100, inclusive,

Defendants.

1 WHEREAS, this matter came before the Court on Defendant Microsoft Corporation's  
2 Motion to Dismiss Second Amended Complaint;

3 WHEREAS, the Court has reviewed the pleadings filed by Plaintiff in this action and  
4 the papers filed by the parties in support of and in opposition to Microsoft's motion;

5 WHEREAS, the Court issued an order on February 22, 2010 (Dkt. 45) granting  
6 Microsoft's motion to dismiss with prejudice as to Plaintiff's Consumer Protection Act claim  
7 and without prejudice as to Plaintiff's unjust enrichment and declaratory relief claims;

8 WHEREAS, the parties have met and conferred and consent to entry of the following  
9 judgment;

10 WHEREAS, Plaintiff will not appeal this Court's February 22, 2010 order or any other  
11 order or decision in the above-captioned matter;

12 WHEREAS, Defendant will not seek to recover its attorneys' fees or costs of suit in the  
13 above-captioned matter;

14 THEREFORE, the judgment is hereby entered in favor of Defendant Microsoft  
15 Corporation as follows:

- 16 1. Plaintiff's Consumer Protection Act claim is dismissed with prejudice.  
17 2. Plaintiff's unjust enrichment and Declaratory Judgment Act claims are  
18 dismissed without prejudice.  
19 3. Each party shall bear its own fees and costs.

20  
21 IT IS SO ORDERED,

22  
23 Dated this \_\_\_\_ day of \_\_\_\_\_, 2010.

24 \_\_\_\_\_  
25 Hon. Marsha J. Pechman  
26 United States District Court Judge  
27  
28

1 *Presented by:*

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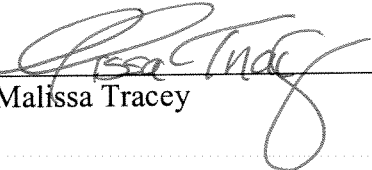
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*Attorneys for Plaintiff Emma Alvarado*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 8, 2010, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of the filing to all counsel of record.

DATED this 8th day of June, 2010.

By

  
Malissa Tracey

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